

**UNITED STATES DISTRICT COURT**  
for the  
Eastern District of Michigan

United States of America  
v.  
Marcus William Davis

Case No. 1:23-mj-30141  
Hon. Patricia T. Morris

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 31, 2020 to April 6, 2023 in the county of Gratiot in the  
Eastern District of Michigan, the defendant(s) violated:

*Code Section*

*Offense Description*

Title 18, U.S.C. §§ 2252A(a)(5)(B) &  
(b)(2); &  
Title 18, U.S.C. §§ 2252A(a)(2)(A) &  
(b)(1)

Possession of child pornography involving a prepubescent minor  
or a minor who had not attained 12 years of age; &  
Receipt or distribution of child pornography

This criminal complaint is based on these facts:  
See Attached Affidavit

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence  
and/or by reliable electronic means.

Date: April 6, 2023

City and state: Bay City, Michigan

  
*Complainant's signature*

Amanda Thomas, Special Agent - FBI

*Printed name and title*

  
*Judge's signature*

Patricia T. Morris, United States Magistrate Judge

*Printed name and title*

**AFFIDAVIT**

I, Amanda Thomas, being duly sworn, do hereby state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been employed since August 1, 2021. I am presently assigned to the FBI's Detroit Field Office, Bay City Resident Agency. I work on a variety of criminal and national security matters including the investigation of violent crimes and crimes against children. I have received training in the area of child pornography and child exploitation and have observed and reviewed examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media. I have been involved with investigations regarding child pornography and the exploitation of children through the internet. I have received training on the execution of search warrants to seize items of evidence from residences, communication providers, and electronic devices, such as cell phones and computers.

2. This affidavit is being submitted for the purpose of obtaining a criminal complaint and arrest warrant for Marcus Davis for violations of 18 U.S.C. § 2252A(a)(5)(B) & (b)(2), possession of child pornography involving a prepubescent minor or a minor who had not attained 12 years of age, and 18 U.S.C. § 2252A(a)(2)(A) & (b)(1), receipt or distribution of child pornography.

3. The information set forth in this affidavit was obtained during the course of my employment with the FBI, through personal observation, statements of

witness, information supplied by other local and federal law enforcement officers and through other investigative activity. The information in this affidavit is included for the limited purpose of showing probable cause and this affidavit does not contain all the information related to this investigation.

***Probable Cause***

4. On August 31, 2020, an individual with the Kik username “papasmurf10990” sent two videos and two images of child sexually abusive material in a Kik messenger group whose members were engaging in the distribution of child sexually abusive material.

5. Kik is a free social media application available for download to Apple and Android devices. Kik can be used on multiple devices, including cell phones and tablets. Kik Messenger allows users to chat via voice or text messages with other users, either privately or in groups, and to send each other files, such as images and videos.

6. I have reviewed the files and determined the images and videos constitute child pornography as defined by 18 U.S.C. § 2256, i.e., visual depictions of minors engaging in sexually explicit conduct. The following is a description of three of the files:

- File: IMG\_7251.mp4 is a video which depicts a prepubescent female lying between two nude adult males one of which is forcing her to

perform oral sex on him by forcefully inserting his penis into her mouth.

- File: IMG\_7250.jpg is an image which depicts a nude infant female lying on her back with an adult's erect penis hovering over the top of her. The infant has what appears to be ejaculatory fluid on her vagina and stomach.
- File: IMG\_7072.mp4 is a video which depicts a prepubescent female on her hands and knees with her vagina and anus exposed. An adult male can be seen rubbing her vagina. The prepubescent female is flipped over onto her back and the rubbing continues. She is then flipped over again and the adult male inserts his penis into her vagina.

7. An administrative subpoena was submitted to Kik c/o Medialab requesting subscriber information associated with username "papasmurf10990". Kik's response provided the first name "pÿ: old\_key :pPapa", last name "Smurf :key:", and unconfirmed email address of marcusdavis615@gmail.com. Registration client information included a Motorola device, model moto g(7) optimo (XT1952DL) and a birthday listed as 02/18/1977. Kik also provided the IP address 50.107.124.114 from August 31, 2020 at 12:56 pm Coordinated Universal Time.

8. On November 18, 2020, an administrative subpoena was issued to Google for subscriber information for email address marcusdavis615@gmail.com. Google's response provided the name associated with the account as "marcus davis", a recovery/alternate email of blue10990@yahoo.com, a recovery short message service (SMS) telephone number XXX-XXX-4577, and the Internet Protocol (IP) address 50.107.124.114, with a timestamp from September 11, 2020.

9. On February 27, 2023, another administrative subpoena was submitted to Google for email address [marcusdavis615@gmail.com](mailto:marcusdavis615@gmail.com). Google's response provided a given name of "marcus" and a family name of "davis", a recovery email of [Blue10990@yahoo.com](mailto:Blue10990@yahoo.com), and a recovery SMS/sign in telephone number of XXX-XXX-5096.

10. The Google Pay customer information provided for email address [marcusdavis615@gmail.com](mailto:marcusdavis615@gmail.com) included the [marcusdavis615@gmail.com](mailto:marcusdavis615@gmail.com) and [Blue10990@yahoo.com](mailto:Blue10990@yahoo.com) email addresses, a billing address for Marcus Davis at a residence in Saint Louis, MI, and various telephone numbers, including the telephone numbers ending in 4577 and 5096.

11. Open source database checks confirm these two telephone numbers are both associated with Marcus William Davis, date of birth XX/XX/1977.

12. An administrative subpoena was submitted to Frontier Communications for subscriber information associated with Internet Protocol address 50.107.124.114, which was associated with both the [papasmurf10990](mailto:papasmurf10990) Kik account and the [marcusdavis615@gmail.com](mailto:marcusdavis615@gmail.com) account. Frontier Communications provided information associating the IP address to a customer name and address that was associated with a relative of Marcus Davis.

13. An administrative subpoena was submitted to Yahoo Inc. for subscriber information associated with email address [blue10990@yahoo.com](mailto:blue10990@yahoo.com). Yahoo Inc.

provided associated information including a name of “Mr. Markus”, a recovery email of blue10990@hotmail.com, and a recovery phone that matched the phone number ending in 4577.

14. On January 7, 2021, the Federal Bureau of Investigation was sent a separate lead from the National Center for Missing and Exploited Children (NCMEC) from the instant messaging application, Kik, who submitted a Cybertip to NCMEC that the user “papasmurf10990” had uploaded/shared two video/image files with another user or group of users. One video file was recovered. According to the tip, the email address associated with “papasmurf10990” was marcusdavis615@gmail.com. The IP address associated with the Kik user “papasmurf10990” on January 8, 2021 at 02:50:44 UTC was 47.46.32.129.

15. I have reviewed the file and determined the video constitutes child pornography as defined by 18 U.S.C. § 2256, i.e., visual depictions of minors engaging in sexually explicit conduct. The following is a description of the video:

- File: c3b90116-7c90-45f5-97f3-cc78874a1878.mp4 is a video which depicts a prepubescent female being forced to perform oral sex on an adult male penis.

16. An administrative subpoena was submitted to Charter Communications for IP address, 47.46.32.129. Charter Communication’s response identified the subscriber as having a service address at Davis’s residence in Saint Louis, MI, an

email address Blue10990@yahoo.com, and the same telephone number ending in 5096. The service was in the name of another relative of Marcus Davis.

17. Based on this and other information, a federal search warrant was issued on April 5, 2023 for the residence and person of Marcus Davis, and executed on April 6, 2023. A cellular phone was found on the person of Marcus Davis. During an initial preview of the phone, law enforcement found several files that meet the federal definition of child pornography.

18. In the Google photos application on Davis's cell phone, law enforcement found a video described as follows:

- A prepubescent female is lying on her back and an adult male is inserting his penis into her vagina. The prepubescent female then preforms oral sex on the adult male's penis.

19. In a folder labelled "KIK" from the Google Photos application law enforcement found additional videos, one video is described as follows:

- A nude prepubescent female is on her hands and knees between two adult nude men. The prepubescent female is performing oral sex on one of the adult males. The other adult male is inserting his penis into the prepubescent female.

### ***Conclusion***

20. Based on this information, I respectfully submit that there is probable cause to believe that Marcus William Davis committed violations of 18 U.S.C. § 2252A(a)(5)(B) & (b)(2), possession of child pornography involving a

prepubescent minor or a minor who had not attained 12 years of age, and 18 U.S.C.  
§ 2252A(a)(2)(A) & (b)(1), receipt or distribution of child pornography.



Amanda Thomas  
Special Agent, FBI

Sworn to and subscribed before me and/or by reliable electronic means on

April 6, 2023.



Hon. Patricia T. Morris  
United States Magistrate Judge